IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 64 OF 2001

Messrs Quality Garage ... Petitioner

V/s.

Municipal Corporation of Greater Bombay ... Respondents

Mr. D.R. Shah for the petitioner.
Mrs. A.K. Savla for the respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 13th December, 2006

P.C.

. In the present petition the petitioner has challenged the notice dated 09-02-2000 whereby water charges were revised by issuing supplementary bill from 01-04-1996. The petitioner is carrying on commercial activities namely Garage. He was charged whatever is on the basis that it was in the confirming zone. Subsequently, it came to the notice of respondent that industry was located in the non-confirming zone and as such petitioner ought to have been charged at Rs. 44 per 1000 ltrs. It is on account of this the respondents have revised rates from 01-04-1996 and that is the subject matter of the present challenge. It is contended on behalf of the petitioner by the learned counsel that there could not have been retrospective charging of water charges.

The answer in our mind is simple. This is a case where water charges have been charged on wrong assumption of fact. On respondent realising the mistake they have corrected the bill. This is within the jurisdiction of the respondents on realising that the mistake had been committed. We find no merit in this petition. Rule discharged. There shall be no order as to costs.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]